

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHARLES ANDREW NOLEN,

Petitioner,

vs.

RICK THALER,

Respondent.

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CIVIL ACTION H-10-3016

MEMORANDUM AND OPINION

Petitioner filed this action seeking habeas corpus relief under 28 U.S.C. § 2254, challenging his sentence imposed in the 22nd Judicial District Court of Hays County, Texas. Hays County is located within the Austin Division of the United States District Court for the Western District of Texas. Petitioner is currently confined at the Bartlett State Jail, which is also located within the Austin Division of the United States District Court for the Western District of Texas.

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him. . . .

28 U.S.C. § 2241(d). Under 28 U.S.C. § 2241(d), this court may transfer the writ to the district where the petitioner is currently confined.

The Clerk is ORDERED to transfer this application for writ of habeas corpus to the Clerk of the Western District of Texas, Austin Division.

Petitioner's motion to proceed *in forma pauperis*, (Docket Entry No. 2), is DENIED without prejudice to reconsideration after transfer.

SIGNED at Houston, Texas, on Aug 31, 2010.

A handwritten signature in black ink, appearing to read "Vanessa D. Gilmore", written over a horizontal line.

VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE